

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Action Case No. 4:18-cv-02488
	)	
v.	)	
	)	
Subscriber 89133,	)	
	)	
Defendant.	)	
	)	

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**PLAINTIFF'S STATUS REPORT IN RESPONSE TO ORDER AT CM/ECF 30**

Following a conference with the Court on January 9, 2019, an Order was entered [CM/ECF 30] for the parties to talk and to submit a joint report on the status and the next steps to advance the litigation. Upon trying to negotiate joint language for the report Plaintiff finds that Defendant demands Plaintiff: (1) accept his form of joint report without edits; or, (2) that the parties file unilateral reports. Therefore, not for Plaintiff's lack of trying to negotiate a joint report reflecting both parties positions, Plaintiff submits the following report regarding its position:

Defendant extended a settlement offer on January 9, 2019. On January 23, Plaintiff extended a counter-offer for settlement. Defendant responded by email, but did not include any other settlement offer. Counsel spoke on February 5, 2019, by telephone but no offers were made. Negotiations are at an impasse with Defendant asserting he will not proceed with any further positional bargaining. Plaintiff proposes moving forward with discovery necessary to advance the litigation toward a motion for summary judgment and/or trial. Plaintiff also intends to file an opposition to Defendant's Motion to Dismiss, and a Reply in Support of Plaintiff's Motion to Strike Affirmative Defenses, which Defendant has opposed.

Respectfully submitted,

By: /s/Paul S. Beik  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 6, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik

PAUL S. BEIK